

**DEPARTMENT OF STATE REVENUE  
LETTER OF FINDINGS NUMBER: 02-0564P  
Withholding Tax  
For August 31, 2002**

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**ISSUE(S)**

I. **Tax Administration** – Penalty

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

Taxpayer protests the penalty assessed.

**STATEMENT OF FACTS**

Taxpayer filed its WH-1 payment late and was assessed a late payment penalty. In a letter dated October 23, 2002, taxpayer protests the penalty assessed. Taxpayer states that its trainee inadvertently neglected to complete the transmission portion of the process. Taxpayer requests a penalty waiver because its intent is to fully remit all withholdings on an accurate and timely basis.

I. **Tax Administration** – Penalty

**DISCUSSION**

Taxpayer was assessed a ten percent (10%) penalty because it paid its tax after the due date of the return for August 31, 2002.

Taxpayer, in a letter dated October 23, 2002 protested the penalty assessed and stated that it relied on a trainee to remit the tax due.

Actions of the taxpayer's employee are also the actions of the taxpayer. Taxpayer has not provided reasonable cause to allow a waiver of the penalty assessed.

**FINDING**

Taxpayer's protest is denied.